

LAW OFFICES OF

POORE, ROTH, ROBISCHON & ROBINSON, P. C.

JAMES A. POORE, JR.
ROBERT A. POORE
URBAN L. ROTH
JAMES A. ROBISCHON
JAMES A. POORE, III
DONALD C. ROBINSON
JAMES P. HARRINGTON
DAVID J. WING

RECEIVED
A PROFESSIONAL CORPORATION
SUITE 400, SILVER BOW BLOCK
BUTTE, MONTANA 59701

TELEPHONE 792-0488
AREA CODE 408

OCT 15 1979

POLE ATTACHMENT.
BRANCH

October 9, 1979

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

WC 10-101

Ms. Madeleine L. Cottrill
Secretary
Montana Public Service Commission
1227 Eleventh Avenue
Helena, Montana 59601

DOCKET FILE COPY ORIGINAL

Re: Docket No. 6705 - Tele-Communications, Inc.,
Petitioner in Intervention

Dear Ms. Cottrill:

On behalf of Tele-Communications, Inc., we are enclosing the original and six copies of the Petition to Intervene by Tele-Communications, Inc., a Delaware Corporation in the captioned matter with attached Certificate of Service.

Yours very truly,

POORE, ROTH, ROBISCHON & ROBINSON

By /s/ James A. Robischon
James A. Robischon

JAR:jl
Enclosures
cc: Service List (Enclosure)

RECEIVED

OCT 15 1979 BEFORE THE PUBLIC SERVICE COMMISSION

POLE ATTACHMENT
BRANCH OF THE STATE OF MONTANA

DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE MATTER of the Application
for a Declaratory Ruling on the
Commission's Jurisdiction of the
Rates, Terms and Conditions for
the Use of Public Utility Facili-
ties by Cable Television Operators.

Docket No. 6705

PETITION TO INTERVENE BY TELE-COMMUNICATIONS,
INC., A DELAWARE CORPORATION

COMES NOW, TELE-COMMUNICATIONS, INC. (TCI), a Delaware cor-
poration, pursuant to Sub-chapter 30, Chapter 2, Overall Depart-
ment Rules for Public Service Regulation (Section 38-2.2(30)
-P2290 to -P2340, Administrative Rules of Montana) and for its
Petition to Intervene represents as follows:

I.

That TCI owns and operates Cable Television (CATV) systems
within the State of Montana through subsidiary companies which
use or occupy public utility property of Petitioner, The Montana
Power Company and other utilities under special contracts there-
for.

II.

That for the purpose of this Petition and these proceedings,
the post office address of TCI is and shall be:

Tele-Communications, Inc.
54 Denver Technological Center
Call Box 22595
Wellshire Station
Denver, Colorado 80222

III.

That the attorneys for TCI in this proceeding are:

James A. Robischon
Poore, Roth, Robischon & Robinson, P.C.
1341 Harrison Avenue
Butte, Montana 59701

All notices and other documents relating to this case should be served upon the attorneys for TCI at the address shown above.

IV.

That Petitioner's Request for Declaratory Ruling proposes that this Commission exercise jurisdiction or authority over the rates, terms and conditions of contracts between TCI (and/or its subsidiary companies) and Petitioner and other public utilities relating to the use or occupancy of said utility property.

V.

That the use and occupancy of said public utility property by TCI (and/or its subsidiary companies) is outside of Petitioner's area of public service and is not within the jurisdiction or authority of the Public Service Commission of the State of Montana.

VI.

That 47 U.S.C. Section 224(b) provides that the Federal Communications Commission of the United States shall regulate the

rates, terms and conditions for pole attachments to provide that such rates, terms and conditions are just and reasonable, and shall adopt procedures necessary and appropriate to hear and resolve complaints concerning such rates, terms and conditions in any state in which such matters are not regulated by said state.

VII.

That the State of Montana has not vested in this Commission or any other agency of the State of Montana the jurisdiction, power or authority to consider the interests of the subscribers of cable television services as well as the interests of the consumers of utility services for the purpose of regulating the rates, terms and conditions for CATV pole attachments.

VIII.

That the State of Montana has not vested in this Commission or any other agency of the State of Montana the jurisdiction, power or authority to regulate the rates, terms and conditions governing the use of any of the facilities of public utilities operating within the State of Montana by CATV.

WHEREFORE, TCI requests that the Commission:

1. Makes its order permitting TCI to intervene in all of the matters and things to be included in this Docket No. 6705 and to become a party to this proceeding.
2. Make such findings of fact, conclusions of law and

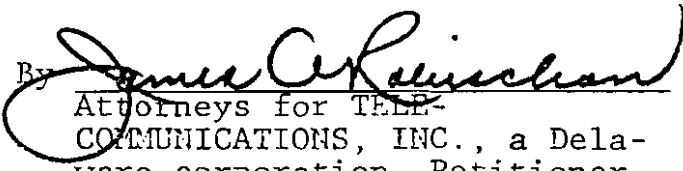
orders as are necessary and proper to find and declare that this Commission has no jurisdiction, power or authority relating to the rates, terms and conditions for the use of public utility facilities by CATV operators.

3. Make its order for such other and further relief as may be appropriate on the record of this proceeding.

DATED this 9th day of October, 1979.

POORE, ROTH, ROBISCHON & ROBINSON

By


Attorneys for TELE-
COMMUNICATIONS, INC., a Dela-
ware corporation, Petitioner

JAMES A. ROBISCHON
Poore, Roth, Robischon &
Robinson, P.C.
1341 Harrison Avenue
Butte, Montana 59701

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petition has been served by mail, postage paid, upon the following interested parties:

Montana-Dakota Utilities Co.
400 N. Fourth Street
Bismarck, N.D. 58501
ATTN: J. R. Maichel

Pacific Power & Light Co.
Public Service Building
920 S.W. 6th Avenue
Portland, OR 97204
ATTN: C. P. Davenport

Mountain Bell
P. O. Box 960
Denver, CO 80201
ATTN: John Stoller, Esq.

General Telephone
1800 41st Street
P. O. Box 1003
Everett, WA 98206

Continental Telephone
of the West
P. O. Box 5246
Bakersfield, CA 93308

Rattlesnake Cable Company
P. O. Box 1252
Missoula, MT 59801

Marshall's Cable
Milltown, MT 59851

Superior TV Cable Company
Superior, MT 59872

Community Television, Inc.
318 Milwaukee
Deer Lodge, MT 59722

Community Television Assoc.
Of Havre, Inc.
P. O. Box 70
Havre, MT 59501

Montana Light and Power Co.
Troy, Montana 59935
ATTN: W. J. Buyske, Manager

Washington Water Power Co.
1411 East Mission Avenue
P. O. Box 3727
Spokane, WA 99220
ATTN: J. P. Buckley

Black Hills Power & Light Co.
625 Ninth Street
P. O. Box 1400
Rapid City, SD 57709
ATTN: W. P. McNutt

Telephone System of the Northwest
Public Service Building
920 S.W. 6th Avenue
Portland, OR 97204
ATTN: A. M. Gleason

Lewistown Cable TV Co.
Masonic Temple
Lewistown, MT 59457

Teleprompter Cable Communications, Inc.
924 South 3rd Street, West
Missoula, MT 59801

Teleprompter Cable Corporation
110 N. 3rd
Hamilton, MT 59840

Butte Television
201 East Front Street
Butte, MT 59701

Montana Cablevision, Inc.
804 2nd Avenue, South
Glasgow, MT 59230

Teleprompter Cable Corporation
2910 10th Avenue, South
Great Falls, MT 59401

Helena Television
613 No. Main
Helena, MT 59601

Laurel Cable TV Company
Laurel, MT 59044

Livingston Community Antenna
Association
Livingston, MT 59047

Dillon Cable TV
25 East Bannack
Dillon, MT 59725

Hot Spring Telephone Co.
Hot Springs, MT 59845

Intermountain Telephone Co.
P. O. Box 20183
Billings, MT 59101

Mutual Telephone Co. of Saco
Saco, MT 59261

Ronan Telephone Co.
Ronan, MT 59864

Charles M. Meehan
Keller and Heckman
1150 17th Street, N.W.
Suite 1000
Washington, D.C. 20036
(Counsel for Telecommunications
Council)

Alan F. Cain
Hughes, Bennett & Cain
406 Fuller Avenue
P. O. Box 1166
Helena, MT 59601

Cal Robinson
Murphy, Robinson, Heckathorn
& Phillips Law Firm
1 Main
Kalispell, MT 59901

Montana Video
1124 16th Street West
Billings, MT 59102

Hardin Cable TV, Inc.
P. O. Box 815
Big Timber, MT 59011

Bozeman Community Television
233 East Main
Bozeman, MT 59715

Western Television
408 East Park Avenue
Anaconda, MT 59711

Lemhi Telephone Co.
P. O. Box 1007
Salmon, ID 83467

Lincoln-Helena Telephone Co.
Lincoln, MT 59639

Project Telephone Co.
Warden, MT 59088

Southern Montana Telephone Co.
Wisdom, MT 59761

R. Clark Wadlow
Hogan & Hartson
815 Connecticut Avenue
Washington, D.C. 20006
(Counsel for Teleprompter Corp.)

Lester H. Loble
Loble & Pauly
833 N. Last Chance Gulch
Helena, MT 59601

Federal Communications Commission
Common Carrier Bureau
1919 M Street, N.W.
Washington, D.C. 20554
ATTN: Jim Tallens

Barry Simon
Teleprompter Corporation
888 7th Avenue
New York, NY 10019

Ray F. Koby
Swanberg, Koby, Swanberg &
Matteucci
314 Montana Building
P. O. Box 2567
Great Falls, MT 59401

Attorney for Teleprompter
Corporation

Mark A. Clark
The Montana Power Company
40 East Broadway
Butte, Montana 59701

Attorney for Petitioner

Alfred F. Dougherty
Attorney at Law
P. O. Box 593
Helena, MT 59601

John Draper
Tele-Communications, Inc.
54 Denver Technological
Center
Call Box 22595
Wellshire Station
Denver, CO 80222

Certified this 9th day of October, 1979.


James A. Robischon